

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PNY TECHNOLOGIES, INC.,
Plaintiff,
v.
SANDISK CORPORATION,
Defendant.

Case No. [11-cv-04689-WHO](#) (JSC)

**ORDER RE: JOINT DISCOVERY
LETTER**

Re: Dkt. No. 269

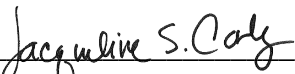
Now pending before the Court is the parties' joint discovery letter concerning Defendant SanDisk Corporation's ("SanDisk") designation of certain deposition testimony and documents produced in discovery as "Attorney's Eyes Only" ("AEO"). SanDisk contends that its AEO designations are necessary to ensure that Plaintiff PNY Technologies, Inc. ("PNY")—its competitor—does not gain unwarranted insight into its business strategy. PNY disagrees. Although not entirely clear, the challenged AEO designations appear to encompass several hundred pages of testimony and documents—none of which has been provided to the Court.

The parties shall meet and confer by no later than **Monday, August 4** in an effort to select 10 documents or deposition excerpts for submission to the Court under seal that they believe are representative of the AEO designations as a whole. If the parties are unable to agree on the 10 designations, at the meet-and-confer each party shall select five documents or deposition excerpts for a total of 10 designations. Under either scenario, the parties' chosen designations shall be filed along with separate letter briefs no longer than eight pages in length addressing whether the AEO designation is proper for each of the 10 selected designations. The parties' selected designations and accompanying briefs shall be filed by no later than **Monday, August 11**. The Court will then notify the parties if a hearing on the matter is necessary.

1 The goal of this process is to resolve the dispute without the need for the parties and the
2 Court to analyze every challenged designation. After the Court rules, the parties will be ordered to
3 meet and confer regarding the remaining designations and, with the Court's ruling as guidance,
4 attempt to resolve the dispute concerning the remaining designations on their own.

5 **IT IS SO ORDERED.**

6 Dated: July 28, 2014

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8 JACQUELINE SCOTT CORLEY
9 United States Magistrate Judge
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Northern District of California